

SECONDARY EMPLOYER APPLICATION

The attached Secondary Employer Application is for your review.

To employ off-duty police officers, your business must become an approved Secondary Employer. The application must be fully completed and an authorized individual representing your business must sign the agreement to terms and conditions. An annual processing fee of \$353.00 for businesses must be paid before the application can be approved, for renewals the fee is \$349.00. If the event or project last five (5) consecutive days or less, the fee is \$159.00. The annual processing fee for schools and public entities is \$35. (Make checks payable to the City of San Jose). If you are a law enforcement or security related business, the Secondary Employment Unit must have a copy of your current Private Patrol Operator license. **If you are contracted by the City of San Jose, you must provide a copy of the contract or permit at the time of application.**

A copy of the Indemnity Agreement is included and must be signed as a requirement for your business to qualify for the Police Department's Secondary Employer Program. As a participant in the program, your organization will be included as an additional insured under a Law Enforcement Professional Liability Insurance Policy that covers the police officers and you.

Effective August 1, 2003, the maximum hourly rate for all outside uniform employment is \$41.50 per hour with a minimum of \$124.50 per assignment. The maximum hourly rate for Traffic Control is \$43.00 with a minimum of \$129.00 per assignment. Time and one-half will be charged on any assignment exceeding eight (8) hours. Double time will be charged on the following holidays only:

- New Year's Eve from 1200 - 2400
- New Year's Day
- Thanksgiving Day
- Christmas Eve from 1200 - 2400
- Christmas Day

Please return the completed and signed Secondary Employer Application, Indemnity Agreement and Conditions Agreement to:

San Jose Police Department
Secondary Employment Unit
201 West Mission Street
San Jose, CA. 95110

If you choose to fax the above documents (408) 297-5981, please be aware that we cannot process your request until payment is received. Please contact the Secondary Employment Unit at (408) 277-4980 if you have any questions.

Thank you,

Robert L. Davis
Chief of Police

SECONDARY EMPLOYER INDEMNITY AGREEMENT

WHEREAS, the SECONDARY EMPLOYER desires to employ off-duty San Jose Peace Officers (including San Jose Police Officers who are full-time employees of CITY and San Jose Police Reserve Officers) for private security services; and

WHEREAS, prior to the use of any off-duty San Jose Police Officers or San Jose Reserve Police Officers, San Jose Municipal Code Section 8.16.070 requires the SECONDARY EMPLOYER to meet certain indemnification requirements;

NOW THEREFORE, for and in consideration of the CITY'S consent to allow the SECONDARY EMPLOYER to employ off-duty San Jose Peace Officers for private security services and, when required, under San Jose Municipal Code Section 8.16.090, in consideration of the SECONDARY EMPLOYER'S payment of the SECONDARY EMPLOYER APPROVAL FEE, the SECONDARY EMPLOYER agrees as follows:

INDEMNIFICATION

- A. The SECONDARY EMPLOYER shall indemnify and hold harmless the CITY, its officers and employees, from any and all damages, costs, attorney's fees, expenses, losses or liabilities, arising out of the private security services performed by off-duty San Jose Police Officers or San Jose Reserve Police Officers for the SECONDARY EMPLOYER.**
- B. The indemnity shall commence either on July 1, 1998 or, at the time and on the date the part-time employment of the off-duty San Jose Police Officers or the San Jose Reserve Police Officers by the SECONDARY EMPLOYER begins if employment commences after July 1, 1998, and shall extend for the actual times and dates of such employment. Contracts between the SECONDARY EMPLOYER and the off-duty San Jose Police Officers or the San Jose Reserve Officers, written or oral, of all durations are covered under this indemnification to the extent the private security services are provided by the off-duty San Jose Police Officers or San Jose Reserve Police Officers for the SECONDARY EMPLOYER.**
- C. For purpose of this section, the term "private security services" includes any of the following services provided in plainclothes or in San Jose Police Department uniform as part of an off-duty, part-time engagement with a private person or public agency: private security guard, patrolperson, private investigation or surveillance, traffic control, bodyguard or other security or law enforcement related services.**

"SECONDARY EMPLOYER"

Signature of Business Owner or Authorized Agent

Telephone

Address/City/St/Zip

Date

Secondary Employment Unit
San Jose Police Department
 201 W. Mission Street
 San Jose, CA 95110

408 277-4980 FAX 408 297-5981 Return form to fax: 408-292-6296

Date: _____
 Annual ☐ Event ☐
 Exempt ☐ Fee \$ _____

For internal use only

Annual Employment of Officers

Company Name:		Address: (City, St. & Zipcode)	
Phone:		Business Owner:	Phone:
Contact Person:	Title:	Phone:	
Job site address:		FAX:	
Contact person at job site:		Phone:	
Officer's intended duties:		Estimated Hrs. Required Weekly:	

One Time Event / Project

Applicant:		Phone/Pager:		Fax:	
Applicant's Address:			City:		Zip:
Name and Type Event:					
Location for Event					
Date of Event:			Time Event Starts/Ends:		
On-Site Coordinator Name: (Responsible to pay officers)				Cell Phone:	
Event Coordinator or Sponsor:					
Address		Phone:		Fax:	
Was this Event held last year?		Where:		Attendance:	
Will alcohol be served ? (2 officer minimum on all events where alcohol is served)					
STAFFING OF EVENT:					
How many uniformed officers are you requesting:			Start Time:		End Time:
Officer's Duties: (Attach Map for Traffic Assignments)					

Officer Security Rate - \$41.50/hr

Officer Traffic Control Rate - \$43.00/hr

Supervisor Security Rate- \$47.75/hr

Supervisor Traffic Control Rate - \$49.50/hr

Due to Collective Bargaining, These Rates are subject to change

Time and one half overtime rate will be charged on all shifts exceeding 8 hours. Officers receive a 3 hour minimum for all assignments. Double time will be charged on the following holidays: New Year's Eve 12:00 pm – 12:00 am, New Year's Day, Thanksgiving Day, Christmas Eve 12:00 pm – 12:00 am, and Christmas Day. Cancellations must be made within 24 hours of the scheduled event or 3 hr. min. will apply. Payment should be made directly to the individual officer at the time the event ends, unless other arrangements have been made through the Secondary Employment Unit.

SECONDARY EMPLOYER CONDITIONS AGREEMENT

As a condition of Secondary Employment of off-duty San Jose Police Officers and Police Reserves, I agree to the following terms and conditions.

- I shall maintain records of each officer's hours of work and shall make those records available for review by representatives of the San Jose Police Department during business hours.
- I shall authorize inspection of the business premises during business hours, or when the officer is actually working at the work site, including but not limited to inspection of the premises of the business and the work site of the off-duty officer or reserve officer.
- I shall meet the indemnification requirements and provide the department with the required documentation.
- I agree to be responsible for payment of the officer's wages.
- I understand that secondary employment approval may be suspended or revoked by the Chief of Police pursuant to the provisions of Section 8.16.050 of the San Jose Municipal Code, which reads in part, "The Secondary Employer is not operating the business in compliance with the requirements of applicable provisions of this Code or any other applicable local, State or Federal law or regulation."

Business Name

Address

City/State/Zip

**Print Name & Title of Business Owner
Or Authorized Agent**

Telephone

**Signature of Business Owner
Or Authorized Agent**

Date